

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-88

ISRAEL S. MORENO,

Defendant.

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**ORDER**

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Defendant Israel S. Moreno has requested that Attorney Nila Robinson be reappointed to represent him in this matter and that his case proceed on the previously scheduled trial date of June 20, 2005. For the reasons that follow, Moreno's motion will be denied.

As the record reflects, Moreno sought removal of Ms. Robinson as his attorney on two separate occasions. On the first occasion, Ms. Robinson spoke with Moreno and he withdrew his request. The second occasion gave rise to a hearing before this court on June 2, 2005. At that hearing, after listening to both Mr. Moreno and Ms. Robinson, the court granted Moreno's motion noting that it would result in an adjournment of the trial date. I specifically found, however, on the basis of the information provided me by counsel and by the defendant, that the attorney/client relationship had irreparably broken down and that new counsel was necessary.

Now, having removed the case from the trial calendar and allowed Ms. Robinson to withdraw, the defendant requests that I reappoint her and continue his case on the same date. Moreno states that he simply does not understand the "whole thing about attorneys." The

government's response to Mr. Moreno's request raises significant questions as to whether or not Mr. Moreno lacks any understanding of the criminal process, given his previous record. The government contends that Moreno is simply attempting to manipulate the court's calendar and set up possible appellate issues should he be convicted.

It is not necessary for the court to determine Mr. Moreno's motivation in order to rule on his motion. The simple fact is that I have found the attorney/client relationship between Mr. Moreno and Ms. Robinson irreparably broken. That finding was based in part upon the request and statement of Mr. Moreno, but also was based upon the statement of Ms. Robinson. Nothing in the record suggests that she has changed her mind as to the state of the relationship with her former client. Moreover, even if I were to reappoint Ms. Robinson, the same date is no longer available for Mr. Moreno's trial. Once his case was removed from the trial calendar, I moved another criminal case to that date and it is scheduled to commence on June 20. Mr. Moreno was advised at the time he requested new counsel that the impact of his request would be a postponement of his trial. He indicated he understood that, but nevertheless wanted a new attorney. His wish has been granted and it is simply too late to change his mind. Accordingly, defendant's request for the reappointment of Ms. Robinson is denied and the clerk will notify the federal defender that a new attorney is needed to represent the defendant.

**SO ORDERED.**

Dated this 10th day of June, 2005.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge